

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRE LEE MADSEN,

Plaintiff,

v.

YOUNG IN PARK, et al.,

Defendants.

Case No. 1:23-cv-01530-KES-CDB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS ACTION  
FOR FAILURE TO OBEY LOCAL RULES  
AND FAILURE TO PROSECUTE

(Doc. 16)

Plaintiff Andre Lee Madsen is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 18, 2024, the assigned magistrate judge issued a screening order finding that plaintiff's complaint did not comport with Federal Rule of Civil Procedure 8 and failed to state a cognizable claim for relief. (Doc. 9 at 9.) The assigned magistrate judge granted plaintiff the opportunity to amend the complaint or in the alternative, file a notice of voluntary dismissal. (*Id.* at 10.) On March 18, 2024, plaintiff filed a first amended complaint. (Doc. 12.) The assigned magistrate judge issued a second screening order on April 25, 2024. (Doc. 13.) Again, the assigned magistrate judge found that plaintiff's amended complaint did not comport with Rule 8

1 and failed to state a cognizable claim for relief. (*Id.* at 9.) The assigned magistrate judge granted  
2 plaintiff the opportunity to amend his complaint or in the alternative, file a notice of voluntary  
3 dismissal. (*Id.* at 10.)

4 On April 29, 2024, plaintiff filed a notice of change of address to Terminal Annex, P.O.  
5 Box 86164, Los Angeles, CA 90036. (Doc. 14). That same day, the Court re-served the second  
6 screening order by mail. On May 7, 2024, the second screening order directed to plaintiff's prior  
7 address of record was returned to the Court by the United States Postal Service marked as  
8 "Undeliverable, Unable to Forward." On May 13, 2024, the second screening order served on  
9 plaintiff at his current address of record was returned to the Court by the United States Postal  
10 Service marked as "Undeliverable, Released." To date, plaintiff has not responded to the second  
11 screening order or updated his address.

12 On July 25, 2024, the assigned magistrate judge issued findings and recommendations to  
13 dismiss this action for failure to obey local rules and failure to prosecute. (Doc. 16.) Those  
14 findings and recommendations contained notice that any objections thereto were to be filed within  
15 fourteen (14) days after service. (*Id.* at 6.) On August 5, 2024, the findings and  
16 recommendations served on plaintiff at his current address of record were returned to the Court  
17 by the United States Postal Service marked as "Undeliverable, Insufficient Address." Plaintiff  
18 did not file objections or any other response to the findings and recommendations, and the  
19 deadline to do so has passed.

20 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de  
21 novo review of the case. Having carefully reviewed the file, the Court concludes that the findings  
22 and recommendations are supported by the record and by proper analysis.

23 ///

24 ///

25 ///

26 ///

27 ///


28 ///

1 Accordingly:

- 2 1. The findings and recommendations issued on July 25, 2024, (Doc. 16), are adopted  
3 in full;  
4 2. This action is dismissed with prejudice for plaintiff's failure to obey local rules  
5 and failure to prosecute; and  
6 3. The Clerk of the Court is directed to close this case.

7  
8  
9 IT IS SO ORDERED.

10 Dated: November 21, 2024

  
UNITED STATES DISTRICT JUDGE